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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL COWAN METCALF,

Defendant.

Case No. CR-23-103-BLG-SPW

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendant GABRIEL COWAN METCALF, appeals to the United States Court of Appeals for the Ninth Circuit from the Judgment filed and entered against him in the District Court on August 2, 2024. This appeal is from the District Court's denial of Mr. Metcalf's Motion to Dismiss Indictment.

The issue was preserved pursuant to a plea agreement that was accepted by the District Court at the time of sentencing.

RESPECTFULLY SUBMITTED August 6, 2024.

/s/ Russell A. Hart

RUSSELL A. HART
Federal Defenders of Montana
Counsel for Defendant

/s/ Edward M. Werner

EDWARD M. WERNER
Federal Defenders of Montana
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CERTIFICATE OF SERVICE
L.R.5.2(b)

I hereby certify that on August 6, 2024, a copy of the foregoing document was served on the following persons by the following means:

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1. CLERK, UNITED STATES DISTRICT COURT

2. THOMAS K. GODFREY
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Counsel for the United States of America

3. GABRIEL COWAN METCALF
Defendant

/s/ Russell A. Hart

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Counsel for Defendant

/s/ Edward M. Werner

EDWARD M. WERNER
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Counsel for Defendant